

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

CVS CORPORATION,

Defendant.

06 Civ. 15332 (RJS)

**DECLARATION OF JAMES DUGGAN IN SUPPORT OF PLAINTIFF'S MOTION FOR  
CONTEMPT SANCTIONS**

I, James Duggan, hereby declare as follows:

1. I am Vice President of Risk Management, Security and Corporate Services at Coty Inc., 2 Park Avenue, New York, New York 10016. My duties include purchasing products that are suspected of infringing trademark, trade dress and copyrights.

2. I have been trained to authenticate DAVIDOFF COOL WATER fragrance products and am familiar with the characteristics that differentiate genuine products from counterfeit and decoded products.

3. Since entry of the preliminary injunction in this case on June 14, 2007, I have purchased both counterfeit and decoded DAVIDOFF COOL WATER men's eau de toilette 1.35 oz. fragrance products from CVS stores as summarized below:

a. On July 6, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT at the CVS store located at 47-49 Lake Avenue Extension, Danbury, Connecticut. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit A.

b. On July 6, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT with no production code at the CVS store located at 467 Main Street, Ridgefield, Connecticut. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit B.

c. On July 6, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT and two units of counterfeit DAVIDOFF COOL WATER men's EDT at the CVS store located at 303 White Street, Danbury, Connecticut. True and correct copies of the receipt for this transaction and photographs of the samples purchased are attached as Exhibit C. One unit of counterfeit had no production code and the other unit had the bogus production code 0172395837.

d. On July 6, 2007 I purchased two units of decoded DAVIDOFF COOL WATER men's EDT at the CVS store located at 146 South Street, Danbury, Connecticut. True and correct copies of the receipt for this transaction and photographs of the samples purchased are attached as Exhibit D.

e. On July 6, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT at the CVS store located at 35 Padanaram Road, Danbury, Connecticut. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit E.

f. On July 6, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT at the CVS store located at 7 Backus Avenue, Danbury, Connecticut. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit F.

g. On August 9, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT at the CVS store located at 1193 Fair Oaks Mall, Fairfax, Virginia. A true and correct copy of the receipt for this transaction is attached as Exhibit G.

h. On November 29, 2007 I purchased two units of decoded DAVIDOFF COOL WATER men's EDT at the CVS store located at 11022 Highway 49, Gulfport, Mississippi. True and correct copies of the receipt for this transaction and photographs of the samples purchased are attached as Exhibit H.

4. In total, I purchased 3 counterfeit and 9 decoded DAVIDOFF COOL WATER units at CVS stores since the entry of the preliminary injunction in this case.

5. During my visits to CVS stores, I discovered that on many of the units of DAVIDOFF COOL WATER fragrance products on CVS's store shelves there was a thick, white sticker completely covering the area of the packaging where the unique production code would be located. I noticed that this sticker was difficult to remove, and seemed especially difficult to remove without causing damage to the packaging of the DAVIDOFF COOL WATER fragrance products.

6. The document entitled *Purchases of Counterfeit and Decoded DAVIDOFF COOL WATER Fragrance Products from CVS Stores After June 14, 2007*, attached hereto as Exhibit I, includes an accurate summary of my above-described purchases of counterfeit and decoded DAVIDOFF COOL WATER fragrance products at CVS stores after the entry of the preliminary injunction.

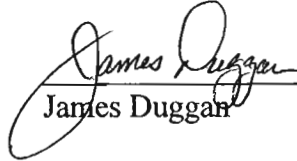
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: New York, New York  
\_\_\_\_\_, 200\_\_

\_\_\_\_\_  
James Duggan

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: New York, New York  
December 15, 2007

  
James Duggan

# EXHIBIT A











47-49 LAKE AVENUE, DANBURY, CT  
PHARMACY: 778-7471 STORE: -

REG#05 TRAN#8050 CSHR#627709 STR#7093

CARD #: \*\*\*\*\*1085

1 COOL WATER M	1.42	30.99T
1 COOL WATER M	1.42	30.99T

2 ITEMS

SUBTOTAL	61.98
CT 6.0% TAX	3.72
TOTAL	65.70
AMEX	65
*****	MS
CHANGE	.00



5709 3718 7805 0053  
RETURNS WITH RECEIPT THRU 09/04/2007

JULY 6, 2007 11:27 AM

DID YOU KNOW?

YOU EARN 2% BACK ON ALMOST  
EVERYTHING IN THE STORE &  
YOUR PURCHASES ON CVS.COM!  
IT'S FREE CVS MONEY!

YOUR EXTRACARE ACCOUNT INFORMATION  
IS INCOMPLETE. PLEASE VISIT  
[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US

ExtraCare balances as of 07/01

Year to Date Savings 237.70

SUMMER 2007 SPENDING: 102.59  
HALLMARK MAY/JUNE TOTAL: 9

This Week's

Extra Buck Offers:	Balance:
Softsoap/Irish, Buy 1 Get 1 EB	1
Colgate Max, Buy 1 Get 2.99 EB	1

# EXHIBIT B







467 MAIN STREET RIDGEFIELD, CT  
PHARMACY: 431-8888 STORE: 431-8481

REG#04 TRAN#9746 CSHR#665382 STR#738

1 COOL WATER M 1.42 30.99T  
1 COOL WATER M 1.42 30.99T

CARD #: \*\*\*\*\*1085

2 ITEMS

SUBTOTAL	61.98
CT 6.0% TAX	3.72
TOTAL	65.70
AMEX	65.70
*****1009	MS
CHANGE	.00



5073 8718 7974 6044  
RETURNS WITH RECEIPT THRU 09/04/2007

JULY 6, 2007 9:41 AM

DID YOU KNOW?

YOU EARN 2% BACK ON ALMOST  
EVERYTHING IN THE STORE &  
YOUR PURCHASES ON CVS.COM!  
IT'S FREE CVS MONEY!

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[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US

ExtraCare balances as of 07/01

Year to Date Savings 237.70

SUMMER 2007 SPENDING: 102.59  
HALLMARK MAY/JUNE TOTAL: 9

This Week's

Extra Buck Offers:	Balance:
Softsoap/Irish, Buy 1 Get 1 EB	1
Colgate Max, Buy 1 Get 2.99 EB	1

# EXHIBIT C

















303 WHITE STREET, DANBURY, CT  
PHARMACY: 790-9485 STORE: 748-2232

REG#03 TRAN#9698 CSHR#028236 STR#798

CARD #: \*\*\*\*\*1085

1 COOL WATER M	1.42	30.99T
1 COOL WATER M	1.42	30.99T
1 COOL WATER M	1.42	30.99T
1 COOL WATER M	1.42	30.99T

4 ITEMS

SUBTOTAL	123.96
CT 6.0% TAX	7.44
TOTAL	131.40
AMEX	131.40
*****1009	MS
CHANGE	.00



5079 /18 7969 8033  
RETURNS WITH RECEIPT THRU 09/04/2007

JULY 6, 2007 11:54 AM

DID YOU KNOW?

YOU EARN 2% BACK ON ALMOST  
EVERYTHING IN THE STORE &  
YOUR PURCHASES ON CVS.COM!  
IT'S FREE CVS MONEY!

YOUR EXTRACARE ACCOUNT INFORMATION  
IS INCOMPLETE. PLEASE VISIT  
[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US

ExtraCare balances as of 07/01

Date Savings	237.70
SUMMER 2007 SPENDING:	102.59
HALLMARK MAY/JUNE TOTAL:	9

This Week's

Extra Buck Offers:	Balance:
Softsoap/Irish, Buy 1 Get 1 LB	1
Colgate Max, Buy 1 Get 2.99 EB	1

# EXHIBIT D









146 SOUTH STREET, DANBURY, CT 06810  
PHARMACY: 797-8919 STORE: 794-9438

REG#04 TRAN#0083 CSHR#374080 STR#629

CARD #: \*\*\*\*\*1085

1 COOL WATER M	1.4Z	30.99T
1 COOL WATER M	1.4Z	30.99T
1 COOL WATER M	1.4Z	30.99T
1 COOL WATER M	1.4Z	30.99T
1 COOL WATER M	1.4Z	30.99T
1 COOL WATER M	1.4Z	30.99T

6 ITEMS

SUBTOTAL	185.94
CT 6.0% TAX	11.16
TOTAL	197.10
AMEX	197.10
*****1009	MS
CHANGE	.00



5062 9718 7008 3040  
RETURNS WITH RECEIPT THRU 09/04/2007

JULY 6, 2007 11:42 AM

DID YOU KNOW?

YOU EARN 2% BACK ON ALMOST  
EVERYTHING IN THE STORE &  
YOUR PURCHASES ON CVS.COM!  
IT'S FREE CVS MONEY!

YOUR EXTRACARE ACCOUNT INFORMATION  
IS INCOMPLETE. PLEASE VISIT  
[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US

ExtraCare balances as of 07/01

Year to Date Savings 237.70

SUMMER 2007 SPENDING: 102.59  
HALLMARK MAY/JUNE TOTAL: 9

This Week's

Extra Buck Offers:	Balance:
Softsoap/Irish, Buy 1 Get 1 EB	1
Colgate Max, Buy 1 Get 2.99 EB	1

# EXHIBIT E







35 PADANARAM ROAD, DANBURY, CT  
PHARMACY: 730-4870 STORE: -

REG#02 TRAN#3020 CSHR#687633 STR#2545

CARD #: \*\*\*\*\*1085

1 COOL WATER M	1.42	30.99T
1 COOL WATER M	1.42	30.99T
1 COOL WATER M	1.42	30.99T

3 ITEMS

SUBTOTAL	92.97
CT 6.0% TAX	5.58
TOTAL	98.55
AMEX	98.55
*****1009	MS
CHANGE	.00



5254 5718 7302 0029  
RETURNS WITH RECEIPT THRU 09/04/2007

JULY 6, 2007 9:40 PM

DID YOU KNOW?  
YOU EARN 2% BACK ON ALMOST  
EVERYTHING IN THE STORE &  
YOUR PURCHASES ON CVS.COM!  
IT'S FREE CVS MONEY!

YOUR EXTRACARE ACCOUNT INFORMATION  
IS INCOMPLETE. PLEASE VISIT  
[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US

ExtraCare balances as of 07/01

Year to Date Savings	237.70
SUMMER 2007 SPENDING:	102.59
HALLMARK MAY/JUNE TOTAL:	9

This Week's  
Extra Buck Offers: Balance:  
Softsoap/Irish, Buy 1 Get 1 EB 1  
Colgate Max, Buy 1 Get 2.99 EB 1

# EXHIBIT F









Expect something *extra*™7 BACKUS AVE. STE 165, DANBURY, CT  
PHARMACY: - STORE: 798-6809

REG#06 TRAN#2797 CSHR#546817 STR#812

COOL WATER M 1.4Z  
11 @ 30.99 340.89T

CARD #: \*\*\*\*\*1085

1 COOL WATER ED 2.5Z 39.99T  
1 SARAH JESSICA 1.7Z 47.99T  
1 SARAH JESSICA 1.7Z 47.99T

14 ITEMS

SUBTOTAL	476.86
CT 6.0% TAX	28.61
TOTAL	505.47
AMEX	505.47
*****1009	MS
CHANGE	.00

5081 2718 7279 7064  
RETURNS WITH RECEIPT THRU 09/04/2007

JULY 6, 2007

7:21 PM

DID YOU KNOW?

YOU EARN 2% BACK ON ALMOST  
EVERYTHING IN THE STORE &  
YOUR PURCHASES ON CVS.COM!  
IT'S FREE CVS MONEY!

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IS INCOMPLETE. PLEASE VISIT  
[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US

ExtraCare balances as of 07/01

Year to Date Savings 237.70

SUMMER 2007 SPENDING: 102.59  
HALLMARK MAY/JUNE TOTAL: 9

This Week's

Extra Buck Offers:	Balance:
Softsoap/Irish, Buy 1 Get 1 EB	1
Colgate Max, Buy 1 Get 2.99 EB	1

# EXHIBIT G



Expect something extra™

1193L FAIR OAKS MALL FAIRFAX VA 22032  
TELEPHONE: 352-5045

REG#04 TRAN#0913 CSHR#691737 STR#2013

1 COOL WATER M 1.42 30.99T

CARD #: \*\*\*\*\*1085

SUBTOTAL	30.99
VA 5.0% TAX	1.55
TOTAL	32.54
AMEX	32.54
*****1009	MS
CHANGE	.00



5201 3722 1091 3046  
RETURNS WITH RECEIPT THRU 10/08/2007

AUGUST 9, 2007 9:54 AM

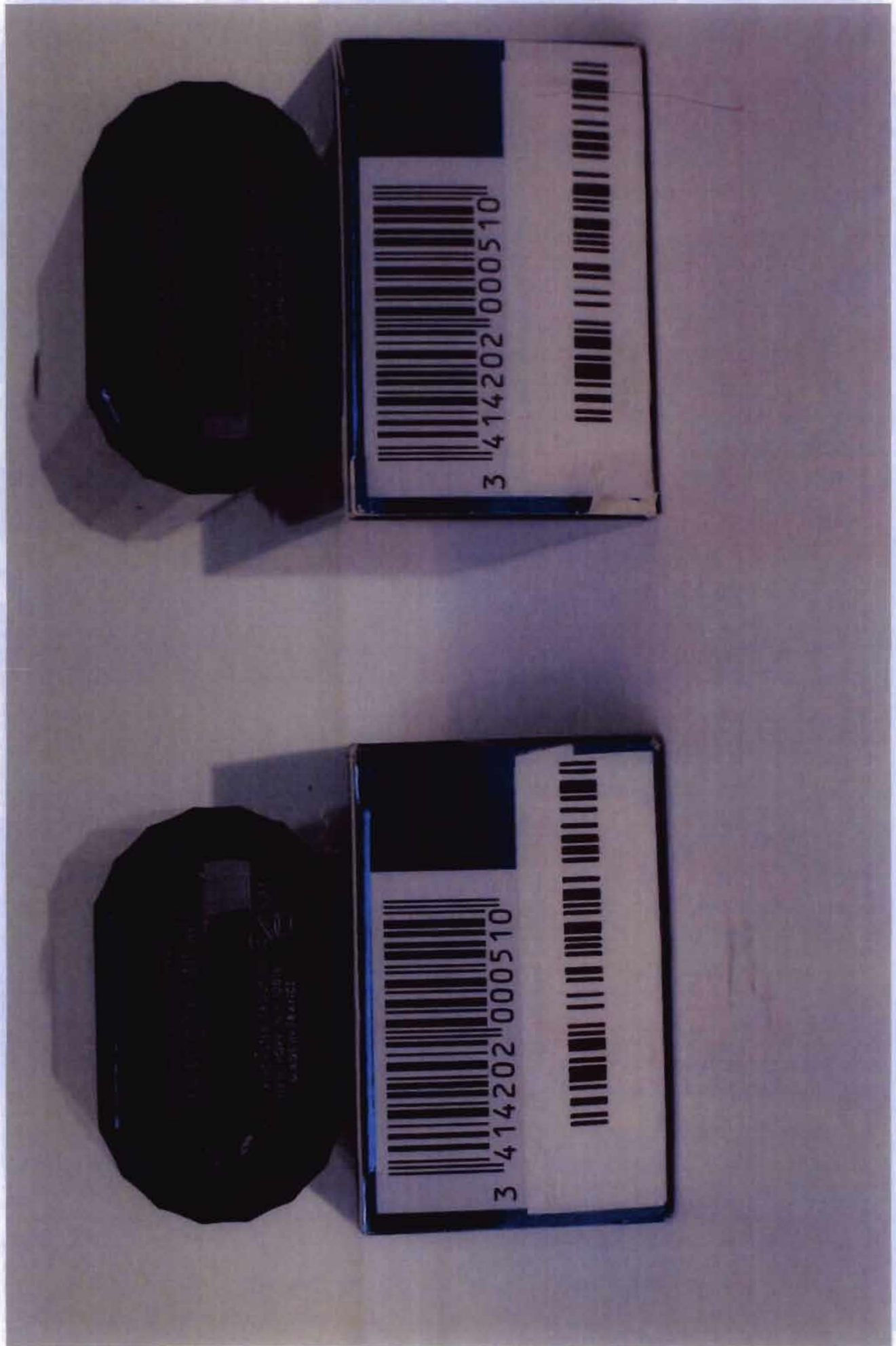
INTRODUCING DIGITAL SUNDAYS!  
LEARN HOW EASY IT IS TO PRINT YOUR  
DIGITAL PICTURES & MORE FROM OUR  
DIGITAL EXPERTS, SUNDAYS NOON TO 2.  
FREE COUPONS AND GIVEAWAYS!

YOUR EXTRACARE ACCOUNT INFORMATION  
IS INCOMPLETE. PLEASE VISIT  
[WWW.CVS.COM/EXTRACARE](http://WWW.CVS.COM/EXTRACARE).

# EXHIBIT H









**CVS/pharmacy®**  
Expect something *extra™*

11022 HWY 49, GULFPORT, MS  
PHARMACY: 832-8981 STORE: -

REG#03 TRAN#2569 CSHR#416550 STR#5908

ExtraCare Card #: \*\*\*\*\*1085

1 COOL WATER M 1.4Z	23.99T	SAVED	7.00
1 COOL WATER M 1.4Z	23.99T	SAVED	7.00
1 COOL WATER M 2.5Z	32.99T	SAVED	7.00

3 ITEMS

SUBTOTAL	86.97
MS 7.0% TAX	5.67
TOTAL	86.64
AMEX	86.64
*****1009	MS
CHANGE	.00



5590 8733 3256 9032

RETURNS WITH RECEIPT THRU 01/28/2008

NOVEMBER 29, 2007

1:09 PM

**TRIP SUMMARY:**

Today You Saved 21.00

REMEMBER TO PICKUP A LITTLE SOMETHING  
FOR THE SITTER, HAIR DRESSER, TEACHER,  
PAPERBOY/GIRL, GROOMER OR CO-WORKER.  
WE'VE GOT SOMETHING IN THE RIGHT  
SIZE FOR EVERYONE!

Make a difference  
Donate \$1.00 to St. Jude's

SHOP 24 HOURS A DAY AT CVS.COM  
THANK YOU FOR SHOPPING WITH US